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09/847,382	05/03/2001	Jeffrey Richard Conrad	10006614-1	6078

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EXAMINER
BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
2155	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	09/847,382	CONRAD ET AL.
	Examiner	Art Unit	
	BENJAMIN R. BRUCKART	2155	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *31 January 2008*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-4,9,13,14,16,17 and 21-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-4,9,13,14,16,17 and 21-30* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

Status of Claims:

Claims 1-4, 9, 13-14, 16-17, 21-30 are pending in this Office Action.

Claims 1, 14, 17, 30 are amended.

Claims 5-8, 10-12, 15, 18-20 remain cancelled.

The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, l 45-48; p 2100-9, c 1, l 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

Response to Arguments

Applicant's arguments filed in the amendment filed 1/31/08, have been fully considered but are found not persuasive. See Remarks below.

Claim objections

It appears that applicant's response is non-complaint. In the office action cited 2/6/07 the examiner objected to claim 22 as being dependent upon itself. In the subsequent action by the representative filed 4/24/07 it was fixed, however it reappears in claim listing cited by applicant 9/24/07 and 1/31/08. Applicant is cautioned that such behavior is non-complaint with office policies. For the sake of advancing prosecution the examiner will simply object again.

Applicant's invention as claimed:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 30 is rejected under 35 U.S.C. 102(a) as being anticipated by Huffaker et al (June 3, 2000).

Regarding claim 30, a method of providing information related to one or more networks

(Huffaker: page 1, Abstract: visualizing network data), the method comprising:

displaying on a display a plurality of filter criteria, wherein the plurality of filter criteria

comprise a selectable list of a plurality of status levels (Huffaker: page 10, Fig. 11; Page 3;

visualization features);

receiving a user selection of one or more of the plurality of filter criteria, including a

selection of at least one of said status levels (Huffaker: page 10, Fig. 11; Page 3; visualization

features);

selectively applying said selected plurality of filter criteria to retrieve network device

information related to a plurality of network devices in said one or more networks which satisfy

said selected filter criteria (Huffaker: pages 8-10; input data); and

creating for display on a single display page a visual representation of said network

device information (Huffaker: pages 8-10; visualization features), said visual representation

comprising a first segment which is visually distinguishable from a second network segment by

indicia (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and

connection lines), wherein said visual representation of the first and second network segments

comprises a plurality of icons representing the plurality of network devices which satisfy said

selected filter criteria (Huffaker: pages 8-10; colors, paths, nodes), wherein the indicia does not

connect any of the plurality of icons (Huffaker: Fig. 11) and wherein said visual representation illustrates connectivity of said displayed plurality of network devices and illustrates a first connection between the first and second network segments (Huffaker: Fig. 11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 9-14, 16-19, 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable by Huffaker et al (June 3, 2000) in view of 7,127,743 by Khanolkar et al.

Regarding claim 1,

The Huffaker reference teaches a method of providing information related to one or more networks (Huffaker: page 1, Abstract: visualizing network data), the method comprising:

displaying on a display a plurality of filter criteria (Huffaker: page 10, Fig. 11; Page 3; visualization features);

receiving a user selection of the plurality of filter criteria (Huffaker: page 10, Fig. 11; Page 3; visualization features),

<u>selectively applying said selected plurality of filter criteria to retrieve</u> network device information related to the plurality of network devices in said one or more networks which satisfy said criteria (Huffaker: pages 8-10; input data);

creating for display on a single display page a visual representation of said network device information (Huffaker: pages 8-10; visualization features), said visual representation comprising a first segment which is visually distinguishable from a second network segment by indicia (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines), wherein said visual representation of the first and second network segments comprises a plurality of icons representing the plurality of network devices which satisfy said

filter criteria (Huffaker: pages 8-10; colors, paths, nodes), and wherein said visual representation illustrates connectivity of said displayed plurality of network devices and illustrates a first connection between the first and second network segments in order to provide a simplified view to optimize network resources (Huffaker: Fig. 11).

The Huffaker reference fails to teach at least one of device type and device status.

However, the Khanolkar reference teaches displaying on a display a plurality of filter criteria, wherein in the plurality of filter criteria comprise a first selectable list of network device types (Khanolkar: col. 8, lines 66- col. 9, line 13; particular devices) and a second selectable list of a plurality of status levels for each of a plurality of network devices in said one or more networks (Khanolkar: col. 8, lines 66- col. 9, line 13; event types);

receiving a user selection of the plurality of filter criteria, including a selection of at least one of the network device types and at least one of said status levels (Khanolkar: col. 8, lines 66- col. 9, line 13) in order to allow the user to focus on a particular set of devices or events (Khanolkar: col. 9, lines 6-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the visual representation of the network as taught by Huffaker to include filter criteria based on device type and device status as taught by Khanolkar because it would allow one to focus on a particular set of devices or events (Khanolkar: col. 9, lines 6-9).

Regarding claim 2, the method of claim 1, wherein said retrieving network device information comprises:

retrieving network segment information for each of said network devices which satisfy said filter criteria (Huffaker: filter to display; limiting display), said network segment information defining which of said first or second network segments to which said each of said network devices is physically connected (Fig.s 9-11).

Regarding claim 3, the method of claim 2, wherein said creating said visual representation of said network device information comprises:

creating said visual representation based on said retrieved network segment information (Huffaker: pages 8-10; input files; page 14).

Regarding claim 4, the method of claim 3, wherein said network segment information includes information related to said first or second segments, and wherein said creating said visual representation of said network device information comprises:

creating said visual representation whereby said visual representation is divided into said first or second segments (Huffaker: Fig. 5).

Regarding claim 9, the method of claim 1, wherein said retrieving network device information further comprises:

retrieving said network device information from a database (Huffaker: pages 1-2).

Regarding claim 10, the method of claim 1, wherein said plurality of filter criteria comprises:

at least one node type (Huffaker: page 3-5; root nodes- non-root nodes).

Regarding claim 11, the method of claim 10, wherein said plurality of filter criteria includes at least one node attribute (Huffaker: page 3-11).

Regarding claim 12, the method of claim 11, wherein said at least one node attribute comprises at least one node status (Huffaker: page 3-11; root or non-root).

Regarding claim 13, the method of claim 1, further comprising: displaying said visual representation (Huffaker: page 1; abstract).

Regarding claim 21, the method of claim 1, wherein the visual representation further comprises a third network which is visually distinguishable from the first and second network segments by indicia (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines, different clusters connected through paths as seen).

Regarding claim 22, the method of claim 22, wherein said visual representation of the third network segment comprises a plurality of icons representing the plurality of network devices which satisfy said selected filter criteria, and wherein said visual representation illustrates connectivity of said displayed plurality of network devices and illustrates a second connection between the third network segment and either the first or second network segment (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines).

Regarding claim 27, the method of claim 1, wherein the indicia does not connect any of the plurality of icons (Huffaker: Fig. 11).

Regarding claim 14, a network management node connected to one or more networks (Huffaker: page 1, Abstract: visualizing network data), said network management node comprising:

       a plurality of modules stored on a computer readable medium (Huffaker: pages 1-2); and

       a database storing information related to a plurality of network devices in said one or more networks (Huffaker: pages 1-2), wherein said plurality of modules are operable to

       displaying on a display a plurality of filter criteria (Huffaker: page 10, Fig. 11; Page 3; visualization features);

       receiving a user selection of the plurality of filter criteria (Huffaker: page 10, Fig. 11; Page 3; visualization features),

       store filter information regarding said selection of filter criteria in the database (Huffaker: page 10; stored customized labels; otter storage);

       selectively applying said selected plurality of filter criteria to retrieve network device information based on said information from said database (Huffaker: pages 8-10);

       create a visual representation comprising a first network segment which is visually distinguishable from a second network segment by indicia (Huffaker: pages 8-10; Fig. 11), wherein said visual representation of the first or second network segments comprises a plurality of icons representing the plurality of network devices which satisfy said filter criteria (Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection lines), and

wherein said visual representation illustrates connectivity of said displayed plurality of network

devices and illustrates a first connection between the first and second network segments

(Huffaker: Fig. 11 shows a network segments visually distinguishable by space and connection

lines).

The Huffaker reference fails to teach at least one of device type and device status.

However, the Khanolkar reference teaches

displaying on a display a plurality of filter criteria, wherein in the plurality of filter

criteria comprises a first selectable list of network device types (Khanolkar: col. 8, lines 66- col.

9, line 13; particular devices) and a second selectable list of a plurality of status levels for each of

a plurality of network devices in said one or more networks (Khanolkar: col. 8, lines 66- col. 9,

line 13; event types);

receiving a user selection of the plurality of filter criteria, including a selection of at least

one of the network device types and at least one of said status levels (Khanolkar: col. 8, lines 66-

col. 9, line 13) in order to allow the user to focus on a particular set of devices or events

(Khanolkar: col. 9, lines 6-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art

to create the visual representation of the network as taught by Huffaker to include filter criteria

as taught by Khanolkar because it would allow one to focus on a particular set of devices or

events (Khanolkar: col. 9, lines 6-9).

Regarding claim 16, the network management node of claim 14, further comprising:

a network interface operable to transmit said visual representation of said network device

information over the Internet (Huffaker: Fig. 11).

Regarding claim 23, the network management node of claim 14, wherein the visual

representation further comprises a third network which is visually distinguishable from the first

and second network segments by indicia (Huffaker: Fig. 11).

Regarding claim 24, the network management node of claim 23, wherein said visual

representation of the third network segment comprises a plurality of icons representing the

plurality of network devices which satisfy said selected filter criteria, and wherein said visual

representation illustrates connectivity of said displayed plurality of network devices and

illustrates a second connection between the third network segment and either the first or second

network segment (Huffaker: Fig. 11).

Regarding claim 28, the network management node of claim 14, wherein the indicia does not

connect any of the plurality of icons (Huffaker: Fig. 11).

Regarding claim 17, a computer readable storage device on which is stored a program,

the program performing a method for providing information related to one or more networks

(Huffaker: page 1, Abstract: visualizing network data), the method comprising:

displaying on a display a plurality of filter criteria (Huffaker: page 10, Fig. 11; Page 3;

visualization features);

receiving a user selection of the plurality of filter criteria (Huffaker: page 10, Fig. 11;

Page 3; visualization features),

selectively applying said selected plurality of filter criteria to retrieve network device

information based on said selected criteria, said network device information being related to one

or more network devices in said the plurality of networks (Huffaker: pages 8-10; input data);

creating a visual representation a first network segment which is visually distinguishable

from a second network segment by indicia (Huffaker: pages 8-10; Fig. 11), wherein said visual

representation of the first and second network segments comprises a plurality of icons

representing the plurality of network devices which satisfy said filter criteria (Huffaker: Fig. 11

shows a network segments visually distinguishable by space and connection lines), and wherein

said visual representation illustrates connectivity of said displayed plurality of network devices

and illustrates a first connection between the first and second network segments (Huffaker: Fig.

11 shows a network segments visually distinguishable by space and connection lines).

The Huffaker reference fails to teach at least one of device type and device status.

However, the Khanolkar reference teaches:

displaying on a display a plurality of filter criteria, wherein in the plurality of filter criteria comprise a first selectable list of network device types (Khanolkar: col. 8, lines 66- col. 9, line 13; particular devices) and a second selectable list of a plurality of status levels for each of a plurality of network devices in said one or more networks (Khanolkar: col. 8, lines 66- col. 9, line 13; event types);

receiving a user selection of the plurality of filter criteria, including a selection of at least one of the network device types and at least one of said status levels (Khanolkar: col. 8, lines 66- col. 9, line 13) in order to allow the user to focus on a particular set of devices or events (Khanolkar: col. 9, lines 6-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the visual representation of the network as taught by Huffaker to include filter criteria as taught by Khanolkar because it would allow one to focus on a particular set of devices or events (Khanolkar: col. 9, lines 6-9).

Regarding claim 18, the computer readable medium of claim 17, wherein said plurality of filter criteria comprises: at least one node type (Huffaker: page 3-5; root nodes- non-root nodes).

Regarding claim 19, the computer readable medium of claim 18, wherein said plurality of filter criteria comprises: node status, and at least one status level (Huffaker: page 3-5; root nodes- non-root nodes).

Regarding claim 25, the computer readable medium of claim 17, wherein the visual representation further comprises a third network which is visually distinguishable from the first and second network segments by indicia (Huffaker: Fig. 11).

Regarding claim 26, the computer readable medium of claim 25, wherein said visual representation of the third network segment comprises a plurality of icons representing the

plurality of network devices which satisfy said selected filter criteria, and wherein said visual

representation illustrates connectivity of said displayed plurality of network devices and

illustrates a second connection between the third network segment and either the first or second

network segment (Huffaker: Fig. 11).

Regarding claim 29, the computer readable storage device of claim 17, wherein the indicia does

not connect any of the plurality of icons (Huffaker: Fig. 11).

REMARKS

Applicant has made minor amendments to the independent claims and argued the
combination as being improper as well as not taught by the combination.

The Applicant Argues:

1) The rejection under 35 U.S.C. 103 is Prima Facie Improper.

2) The examiner has failed to proper support the proposed combination.

3) The proposed combination still does not teach all the independent elements.

In response, the examiner respectfully submits:

The examiner has careful examined applicant's arguments and finds the arguments

unfounded. The combination is proper and all the limitations are addressed, therefore the

rejection is maintained.

1) It appears that applicant is either mischaracterizing the rejection or that applicant may

be misreading the office action. In the office action, the examiner has pointed to all the

limitations of displaying, receiving, retrieving, and displaying network data based on filter

criteria taught by Huffaker. Huffaker does teach "displaying on a display a plurality of filter

criteria" see Huffaker: page 10, Fig. 11; Page 3; visualization features where it details filter

criteria from a menu as well as customizing view, step by step display, and graphing layouts.

The only admitted deficiency of Huffaker is "the Huffaker reference fails to teach at least

one of device type and device status" with respect to filter criteria. This deficiency is easily

taught by the Khanolkar reference.

> The Khanolkar reference teaches displaying on a display a plurality of filter criteria, wherein in the
> plurality of filter criteria comprise a first selectable list of network device types (Khanolkar: col. 8, lines
> 66- col. 9, line 13; particular devices) and a second selectable list of a plurality of status levels for each of a

plurality of network devices in said one or more networks (Khanolkar: col. 8, lines 66- col. 9, line 13; event types);
receiving a user selection of the plurality of filter criteria, including a selection of at least one of the network device types and at least one of said status levels (Khanolkar: col. 8, lines 66- col. 9, line 13) in order to allow the user to focus on a particular set of devices or events (Khanolkar: col. 9, lines 6-9).

The examiner maintains that the combination is proper and consistent. Haffaker and Khanolkar are analogous art both involved in computer network systems and are both directed to monitoring networks. The obvious statement has been more detailed to better clarify the intentions of the examiner but the rejection remains the same.

> It would have been obvious at the time of the invention to one of ordinary skill in the art to create the visual representation of the network as taught by Huffaker to include filter criteria based on device type and device status as taught by Khanolkar because it would allow one to focus on a particular set of devices or events (Khanolkar: col. 9, lines 6-9).

2). The combination between Huffaker and Khanolkar is proper. The examiner is curious as to why applicant is now arguing this feature after not mentioning it in two previous office actions. As stated above the combination is proper with proper motivation. While the applicant has argued the differences between the references, the examiner brings to the attention of applicant that both references are analogous in subject matter because both pertain to monitoring and analysis of networks. Both provide filter criteria and both display network data to the user. The Khanolkar reference is merely used to provide evidence of an obvious variation of Huffaker.

Further claim 30 is broader in scope than 1, 14 or 17 and does not contain the features of device type or device status, supporting the anticipation rejection.

3) The applicant is taking a piece-meal and narrow interpretation of the rejection. The Huffaker and Khanolkar each teach filter criteria. Khanolkar is relied upon to teach filter criteria based on device type and device station.

The references teach "selectively applying said selected plurality of filter criteria to retrieve network device information related to the plurality of network devices in said one or more networks which satisfy said criteria" in Huffaker: pages 8-10; input data. Huffaker shows users interacting with the otter system to display the network data differently. Figure 11 specifically shows a user adjusting and changing attributes and coloring for display. User's selecting binary coloring and masking and enter in new attributes for displaying the data.

Huffaker teaches 'selectively' applying because the user interacts with the Otter system to select and modify attribute groups for display.

The examiner believes prosecution to be stalled in this application. All issues seem to be repeated and no substantial amendments are given. The examiner has evaluated applicant's specification and can find no novel features. The examiner encourages applicant to appeal.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
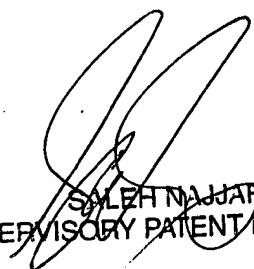
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 9:00-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart
Examiner
Art Unit 2155

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER